

REMARKS/ARGUMENTS

Claims 1-11 are pending.

In the outstanding Office Action, Claim 11 was rejected under 35 U.S.C. § 101; Claims 1, 3, 5-6, 8-9 and 11 were rejected as being unpatentable over Kavacheri et al. (U.S. Publication 2004/0030746, hereinafter Kavacheri) in view of Blewett et al. (U.S. Patent No. 7,131,141, hereinafter Blewett) in further view of Stracke, Jr. (U.S. Patent 6,167,451, hereinafter Stracke) in further view of Official Notice; Claim 2 was rejected as being unpatentable over Kavacheri, Blewett, and Stracke in view of Ogle et al. (U.S. Patent 6,052,736, hereinafter Ogle); Claim 4 was rejected as being unpatentable over Kavacheri, Blewett, Stracke in view of Beck (U.S. Patent 6,671,273); Claim 7 was rejected as being unpatentable over Kavacheri, Blewett, Stracke and in further view of Winkler (U.S. Patent Publication 2003/0070100); Claim 10 was rejected as being unpatentable over Kavacheri, Blewett, Stracke and in further view of Koyanagi et al. (U.S. Publication 2001/0013067, hereinafter Koyanagi).

As a preliminary matter the undersigned appreciatively acknowledges the courtesy extended by Examiner Whipple in holding a telephone conversation with the undersigned on January 19, 2011. The substance of the discussion is reflected in the contents of this Request for Reexamination. In particular, the undersigned proposed to file a Request for Reconsideration that pointed out to the Examiner that the certified translation of the Japanese Priority Document, which perfects priority, and therefore overcomes Kavacheri as being prior art. A further discussion of this follows.

As a preliminary matter, with regard to Claim 11, the undersigned also requested that the Office reconsider the rejection of Claim 11 as failing to comply with 35 U.S.C. § 101. In particular, it is believed that the “processor” positively recited in the information processing apparatus is described as being programmed to judge whether the detected network has

actually changed. Moreover, it is respectfully submitted that it is an actual device that needs to be programmed, and not software *per se*. As such it is respectfully submitted that Claim 11 as presently pending complies with 35 U.S.C. § 101 since it is an apparatus claim (as opposed to a method claim) covered by Bilski, and positively recites a processor that is programmed to judge.... However, if the Examiner disagrees, the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

The present application claims priority to Japanese Application JP 2002260806 that was filed in the JPO on September 6, 2002. This application provides express support for all aspects of the present U.S. application. A brief review of the figures indicates a direct correspondence between the 30 figures in the Japanese Priority Document and the present U.S. patent application. Accordingly, it is respectfully submitted that the presently pending claims are entitled to an effective filing date, according to the Paris Convention, of September 6, 2002. Applicants have perfected priority by providing a certified translation by Mr. Watanuki, indicating that the translation is an “accurate” translation.

During the telephone conversation between the Examiner and the undersigned, the Examiner indicated that the primary reference of Kavacheri, while having a filing date of July 16, 2003 (which is after the Japanese priority date for the present application), claims priority to a continuation-in-part application (serial no. 09/929,477, which was filed on August 13, 2001). However, a direct comparison between Kavacheri and its parent (serial no. 09/929,477) shows that Kavacheri adds new paragraphs (Abstract, at least lines 2-9, [0022], [0027], [0030]-[0035], Figure 5, [0055], [0056], [0062]-[0067], [0070]-[0094], and [0097]-[0102]). It is this newly added subject matter in Kavacheri, which is entitled to a prior art date of Kavacheri's filing date, namely July 16, 2003, that is relied on in the outstanding Office Action when asserting Kavacheri against the presently claimed invention. In particular, the Office Action relies on the Abstract at lines 1-6 (which was newly added),

[0097] (which was newly added), [0062], [0102], and with respect to the “hierarchal search”, Kavacheri’s description in the Abstract (newly added) and [0062] (newly added). Moreover, the subject matter regarding the “hierarchal search”, which the Office Action relies on when asserting Kavacheri, was newly added in Kavacheri and was not present in its parent application (U.S. Serial No. 09/929,477). Accordingly, it is respectfully submitted that the features on which Kavacheri is asserted has an effective date that is after the effective date for the present patent application. As a consequence of filing the accurate translation of the Japanese Priority Document, it is respectfully submitted that Applicants have perfected priority and removed Kavacheri as a primary reference.

Since all of the claims are rejected based on Kavacheri as being a primary reference it is respectfully submitted that the perfecting of priority in this application has overcome all prior art rejections.

Consequently, in view of the above description and earlier filing of the accurate translation of the Japanese Priority Document, it is requested that the Office reconsider the rejection of all of the claims and allow the present application.

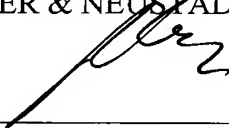
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